IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

Appeal Lodging No 537 of 2004
in
Notice of Motion No. l864 of 2002
in
Sum Suit No. l952 of l992

Mrs Sharayu Wajidali Sangamnheri .. Appellant
vs
Mrs Meher Kurshed Hiramanek and ors..respondents

Ms Triupti Singhvi i/b Bhuta Associates for appelant

None for respondents

CORAM: A.P.SHAH & S.J.VAZIFDAR JJ.

Dated 2.2.2005

P.C:

. This appeal is directed against the order of dismissal of a notice of motion. This notice of motion was taken out by the appellant for restoration of her Notice of Motion No.2558 of 2000 which was dismissed for default on l4.l.2002. Notice of Motion No.2558 of 2000 was taken out by the appellants for setting aside the exparte order passed by the court on l0.7.l995 whereby the Summons for Judgement was made absolute on the ground that though the appellants was granted indulgence by allowing her to file reply, though it was beyond time, by order dated 26.ll.l995,but still she did not file any reply. To set aside

that order Notice of Motion No. 2558 of 2000 was taken out. When the Notice of Motion was fixed for hearing appellant again remained absent. Therefore that motion was dismissed. Thereafter Notice of Motion No. l864 of 2002 has been taken out which is dismissed by the learned single Judge on the ground that the attempt of the appellant is only to frustrate the claim of the respondents and that restoration of the case would amount to abuse of process of the court.

. In the circumstances no interference is warranted with the impugned order. Appeal is dismissed.